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GOVERNMENT OF KERALA

Law (Legislation-A) Department

NOTIFICATION

No. 10547-Leg. A1/81/Law. *Dated, Trivandrum, 15th August 1981/ 24th Sravana 1903.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 14th day of August, 1981.

By order of the Governor,

K. VISWANATHAN NAIR,
Special Secretary (Law).

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33/3179/V.

ACT 19 OF 1981

THE KERALA LAND REFORMS (AMENDMENT) ACT, 1981

An Act further to amend the Kerala Land Reforms Act, 1963.

Preamble.—WHEREAS it is expedient further to amend the Kerala Land Reforms Act, 1963, for the purposes hereinafter appearing;

BE it enacted in the Thirty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Land Reforms (Amendment) Act, 1981.

(2) Sections 2 to 5 (both inclusive) shall be deemed to have come into force on the 1st day of January, 1970 and the remaining provisions of this Act shall be deemed to have come into force on the 22nd day of June, 1981.

2. *Insertion of new section 72QQ.*—After section 72Q of the Kerala Land Reforms Act, 1963 (1 of 1964) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

"72QQ.—*Cultivating tenant not liable to pay rent if resumption application is rejected.*—Notwithstanding anything contained in any law for the time being in force, or in any contract, custom or usage, or in any judgment, decree or order of any court or Land Tribunal, in the case of a holding or part of a holding in respect of which an application for resumption under the provisions of this Act is rejected, the cultivating tenant shall not be liable to pay any rent for such holding or part of the holding, as the case may be, with effect on and from the date notified under sub-section (1) of section 72.".

3. *Amendment of Section 72S.*—Section 72S of the principal Act shall be re-numbered as sub-section (1) of that section and, after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) In the case of a holding or part of a holding in respect of which an application for resumption under the provisions of this Act is rejected, the cultivating tenant shall be liable to pay the basic tax and other taxes and cesses in respect of such holding or part of the holding, as the case may be, with effect on and from the date notified under sub-section (1) of section 72.".

4. *Amendment of section* 84.—In section 84 of the principal Act, after the proviso to sub-section (1A), the following *Explanation* shall be inserted, namely:—

"*Explanation.*—For the purposes of clause (b), a land shall be deemed to have been assigned on registry if the purchase price payable for the assignment of that land or the first instalment thereof has been deposited as required by the rules made under this Act.".

5. *Amendment of section* 85.—In section 85 of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely:—

"(6A) For the removal of doubts it is hereby declared that proceedings for the determination of the extent and other particulars of any land, the ownership or possession or both of which is or are to be surrendered by an adult unmarried person or a family, shall not abate on the death of that adult unmarried person or, as the case may be, the sole surviving member of that family where it consists of only one person, or the member of that family who filed the statement under this section or under section 85A in the case of any other family, but shall be continued against the legal representatives of such adult unmarried person or sole surviving member or the remaining member or members of such family, as the case may be, and such legal representatives or remaining member or members shall be bound to surrender the same extent of land as such adult unmarried person or sole surviving member or such family would have been liable to surrender, if such adult unmarried person or sole surviving member or the person who filed such statement, as the case may be, were alive on the date of determination of the extent and other particulars of the land.".

6. *Amendment of section* 109A.—In subsection (1) of section 109A of the principal Act,—

(a) in the first proviso, for the words "five hundred rupees", the words "one thousand five hundred rupees" shall be substituted;

(b) in the second proviso, in clause (a), for the words "two thousand rupees", the words "five thousand rupees" shall be substituted.

7. *Transitory provisions.*—Notwithstanding anything contained in any judgment, decree or order of any court or other authority, where any proceeding under the principal Act for the determination of the extent and other particulars of any land, the ownership or possession or both of which is or are to be surrendered by an adult unmarried person or a family, has been discontinued on the ground that such adult unmarried person, or the sole surviving member of the family in the case of a family having only one member, or the person who filed the statement under section 85 or under section 85A of the principal Act in the case of any other family, has died before such determination, the Land Board or the Taluk Land Board, as the case may be, shall, within a period of one year from the date of publication of the Kerala Land Reforms (Amendment) Ordinance, 1981, in the Gazette, restore to file such proceeding and continue the same impleading the legal representatives of such adult unmarried person or sole surviving member or the remaining member or members of that family, as the case may be, and such legal representatives or, as the case may be, the remaining member or members shall be bound to surrender the same extent of land as such adult unmarried person or sole surviving member or the family, as the case may be, would have been liable to surrender if such adult unmarried person or sole surviving member or the person who filed such statement, as the case may be, were alive on the date of determination of the extent and other particulars of the land:

Provided that nothing contained in this section shall be deemed to affect a *bona fide* purchaser for consideration of any land from such legal representatives or the remaining member or members of such family.

8. *Repeal and saving.*—(1) The Kerala Land Reforms (Amendment) Ordinance, 1981 (5 of 1981), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance or under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under this Act or, as the case may be, under the principal Act as amended by this Act.